



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 17, 2017

BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. Anthony Murgio et al.,
S6 15 Cr. 769 (AJN)**

Dear Judge Nathan:

The Government writes respectfully in response to the Court's memo-endorsed order dated December 14, 2017 (ECF No. 683) directing the Government to respond to defendant Trevon Gross's request for further information concerning the revised restitution amount due to the National Credit Union Administration ("NCUA").

By letter dated October 17, 2017 (ECF No. 617), the Government sought restitution for the NCUA in the amount of \$194,293.72, which represented the estimated loss to the NCUA resulting from the conservatorship and liquidation of HOPE Federal Credit Union ("HOPE FCU"). The Government provided an explanation for the calculation of the loss amount as well as detailed exhibits to support that calculation. (*See id.* Exhs. 2 & 3). The Government noted, however, that the NCUA's Asset Management and Assistance Center ("AMAC") was "nearing the end of its efforts to un-wind HOPE FCU's operations" and that should the final loss amount be lower at the conclusion of AMAC's efforts, the Government would seek an adjusted restitution amount. (*Id.* at 2).

On December 11, the Government was informed by AMAC that the final loss to the NCUA after completing the un-winding of HOPE FCU's operations is \$126,771.82. According to AMAC, the lower loss amount is largely attributable to (1) forfeiture by the NCUA of approximately \$54,000 in uninsured shares (*i.e.*, member deposits) that were never claimed by the credit union member; (2) approximately \$8,000 in remaining loan reserves that were not needed; and (3) approximately \$5,000 in excess expense reserves that were not needed. Combined, these three accounting adjustments worked to reduce the final loss incurred by the NCUA by approximately \$67,000 to \$126,771.82.

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Accordingly, the Government respectfully requests that the Court enter revised restitution orders as to defendants Anthony Murgio, Yuri Lebedev, and Trevon Gross, which the Government will promptly submit to the Court for its consideration.

Respectfully submitted,

JOON H. KIM
Acting United States Attorney

By: /s/
Eun Young Choi / Daniel S. Noble / Won S. Shin
Assistant United States Attorneys
(212) 637-2187 / 2239 / 2226

Cc: Defense Counsel